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MAR 30 2007

OFFICE OF PETITIONS

In re Application of :
Qing Ma et al :
Application No. 09/640,961 : DECISION ON PETITION
Filed: August 16, 2000 : UNDER 37 CFR 1.181
Attorney Docket No. 884.792US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2004¹ and again on February 7, 2007, to revive the above-identified application. For the reason stated below, the petition is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment.

The petition treated under 37 CFR 1.181 is GRANTED.

This application was held abandoned for failure to timely reply to the non-final Office action of March 13, 2003, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 30, 2003.

Petitioner states that a timely reply, bearing a certificate of mailing date of June 13, 2003, was received in the Office on June 18, 2002. In support of this assertion, petitioner has supplied a copy of a stamped postcard which evidences receipt in the Office on June 18, 2003 of "An Amendment and Response Under 37 CFR 1.111 (18 Pages); An Information Disclosure Statement (1 pg.) Form 1449 (1 pg.), and copy of 1 cited document; A check in the amount of \$180.00 * * *."

In reviewing the contents of this application, the reply stated to have been mailed via certificate of mailing on June 13, 2003 and evidenced as being received in the Office on June 18, 2003 was located in the file jacket. As the reply was timely filed, the mailing of the Notice of Abandonment was improper.

¹ This application was referred to the Technology Center shortly after the filing of the August 5, 2004 petition to treat as a petition requesting withdrawal of the holding of abandonment. Unfortunately, however, for reasons unknown, no decision was rendered on that petition.

In view of the above, the Notice of Abandonment mailed September 30, 2003 is vacated and the holding of abandonment is hereby withdrawn. This application is restored to pending status.

The \$1,330 petition fee received on August 5, 2004 was credited to petitioner's deposit account on September 13, 2004.

The Office sincerely apologizes for the inconvenience caused petitioner in this matter.

Inquiries concerning this decision on petition may be directed to the undersigned at (571) 272-3218. Inquiries concerning either the status or examination of this application should be directed to the Technology Center.

This application is being forwarded to Technology Center AU 2815 for appropriate action on the reply received June 18, 2003.

A handwritten signature in cursive script, reading "Frances Hicks", is written over the printed name.

Frances Hicks
Petitions Examiner
Office of Petitions